



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

Website Address: www.morgan-hill.ca.gov / Email: General@ch.morgan-hill.ca.gov

PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

MAY 22, 2001

PRESENT: Kennett, Lyle, Pinion, Ridner, Sullivan

ABSENT: McMahon

LATE: Mueller

STAFF: Planning Manager (PM) Rowe, City Attorney (CA) Leichter, Senior Engineer (SE) Creer and Minutes Clerk Johnson.

REGULAR MEETING

Chair Kennett called the meeting to order at 7:09 p.m.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Kennett opened the public hearing.

There being no one present who wished to address the Commission, the public hearing was closed.

Commissioner Mueller arrived at 7:15 p.m. and was seated on the dias.

MINUTES: MAY 8, 2001

COMMISSIONERS RIDNER/PINION MOTIONED TO APPROVE THE MAY 8, 2001 MINUTES WITH THE FOLLOWING AMENDMENT(S):

Page 2 bottom of the page: insert following The CIP: "however, needs to provide additional"; strike "~~provides insufficient~~" NOTE: Commissioners were presented with Resolutions Nos. 18 and 18-A; the adopted resolution (#18) by minute order, incorporated substantial language from 18-A.

Page 3 (top of page - first arrow) ~~the alliance of combining; with and~~

Page 3 (top of page - third arrow) insert: new (General)

Page 5 paragraph 4: ~~for micro-scheduling~~ needed for micro projects

Page 7, paragraph 6: ~~decelerated~~ delayed

Page 7, paragraph 8: add: Mr. McClintock stated that micro projects need nearly as much time to get started as larger projects.

Page 8, paragraph 9: ~~projects~~ units

Page 9, paragraph 5: (correction) An ELBA has been received for the Madrone project based on its being delayed due to other government permits/requirements related to Fisher Creek.

THE MOTION PASSED WITH THE UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT, WITH McMAHON ABSENT.

OLD BUSINESS:

**1. UPA-98-07:
MONTEREY-
IRISH
CONSTRUCTION**

A request for approval to amend an existing conditional use permit to demolish an existing 2,000-sf office use within an 18,390-sf construction office and staging yard, and replace with a 3,976-sf office space. The subject site is located at the southeast corner of Monterey Road and Burnett Avenue.

PM Rowe presented the staff report explaining the project site is developed and consists of an approximate 13,040-sf construction office/warehouse building, a 3,950-sf warehouse building, and a utility staging yard. He also noted the surrounding zoning and land uses. The original conditional use permit had been granted in May 1998. The permit had several attached conditions of improvement: the installation of a 30-ft. Landscape buffer along Monterey Road, the construction of an eight-foot wall along the residential adjacency, connection to city sewer and other miscellaneous improvements. Due to delays caused both by the developer and extended city processing, compliance with these conditions were not completed prior to the required deadlines.

Now, however, PM Rowe indicated the applicant has complied with the conditions of the use permit, with the exception of a portion of the required landscape buffer. Because the applicant has installed the front 25-feet of landscaping along Monterey Road, rather than install the remaining landscaping only to have it destroyed during future construction activities, the applicant is requesting that installation of the five remaining feet of landscaping be deferred until after the completion of the office expansion. PM Rowe further reported that the applicant's Letter of Justification/Statement of Proposed Operations providing additional information regarding the exact nature of the use, number of employees and hours of operation had been properly submitted.

Calling attention to the Standard Conditions document for the development, PM Rowe explained that condition #3 on page 13 could be eliminated if the Commissioners agreed to the request. He further stated that #11 on page 14 would not be applicable if the proposal as it now exists was accepted by the Commissioners; this, he said, would be the only significant change in the agreement should the Commissioners agree to the request. PM Rowe also responded to questions from Commissioners asked regarding prior agreements to the amendments, and the bond mentioned in the development agreement.

Chair Kennett opened the public hearing.

Pat Furnare, 2641 River Ave., representing Irish Construction, addressed the Commissioners, saying company officials had not been aware of any issues related to the permit until they had received a letter from the School District saying that because of the proposed new school just north of the property, a portion of the property would be vacated by action of the School District. He cited information regarding the width of the street and a water pumping installation as being crucial to the purchase agreements which the company had entered in good faith. He indicated there were discrepancies in the matter of what the School District proposed and what the company required for business practice. Mr. Furnare discussed with the Commissioners the proposed expansion of lanes on Monterey Road, the proposed building design, potential relocation/reconfiguration of the building site, the space required by the business for interior parking versus exterior parking, and the time frames for commencement of building (within three weeks).

Commissioner Mueller indicated the historical importance of the area (Madrone), emphasizing hope that any buildings constructed on the site could reflect the historical nature of the area.

The public hearing was closed.

Commissioners discussed the request, asking questions of staff regarding parking, conceivable effects of the development on the site and the area; the improvements completed - and not; the potential impact of increased traffic/lane expansion on Monterey Road. SE Creer responded to questions from the Commissioners by indicating that a design of an intersection or placement of turn lanes on roads adjacent to the subject property could cause concern of the plan as presented.

COMMISSIONERS MUELLER/PINION MOTIONED TO CONTINUE THE MATTER UNTIL JUNE 26 TO ALLOW RESOLUTION OF THE ISSUES RELATING TO THE ROAD DEDICATIONS. THE MOTION PASSED BY UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT WITH McMAHON ABSENT.

Because of the delay in attendance of a citizen who had requested item 2 to be heard, the matter was postponed until later in the evening.

NEW BUSINESS:

3. UP-01-02: KEYSTONE- MARTIN

A request to construct a two-story, 6,712 sq. ft., mixed office/residential structure at 20 Keystone Rd.

PM Rowe presented the staff report. The project had been redesigned but, as presented, did not present a pleasing pedestrian environment conducive to the downtown. He told Commissioners that the applicant has indicated that the building as designed has two floors, with the first floor containing a lobby with a stairwell and an elevator allowing access to the second

story offices, as well as a single-family residence. The second floor is to be utilized as a commercial office and the upper floor of the residential structure.

PM Rowe said the applicant has indicated that the resident has an occasional visitor who requires handicapped access; therefore, the second story of the residence has been designed to allow access to the upper floor from not only a proposed residential stairway but also utilizing the proposed commercial elevator. Additionally, the applicant requested a second floor recreation room with sink, refrigerator and dishwasher to better accommodate the special needs of visitors to the residence. Per access requirements of the Uniform Building Code (UBC), the applicant must provide two emergency accesses for the commercial office use. As designed, the proposal, is not appropriate for the general health, welfare, and safety of the residents because the emergency access would need to be left unlocked during business hours, thus providing access of staff members of the commercial use to any portion of the residential home.

He also described issues associated with the proposed parking spaces and parking lot improvements: the design is not in accordance with the City's adopted parking requirements and consequently the applicant may need to purchase more than three In-Lieu certificates. Issues regarding the amounts and lessened size for proposed landscaping were addressed by PM Rowe. Further, he indicated, as designed the proposed parking located under the building, and partially covered is considered "within" a structure according to definition in the Municipal Code. It has been determined, PM Rowe stated, that the conditions and finding which must be met prior to granting the purchase In-Lieu parking certificates has not been adequately ascertained. In response to a question from Commissioner Ridner, PM Rowe said that the In-Lieu fees which are collected are earmarked for parking lots near the sites from which they are collected.

Chair Kennett opened the public hearing.

Charles Weston, Architect, 540 W. Dunne Ave., was present to address the Commissioners regarding the proposed project. He said a major issue was the number of In-Lieu certificates the applicants needed to purchase. Per the plans presented, Mr. Weston said, the numbers of people who would be utilizing the building would require possibly two more spaces than present indicated.

Commissioners asked questions and expressed concerns regarding the usage of parking, numbers of employees who could use the spaces in the commercial section of the building, landscaping, location of the building on the lot, appropriate density for the area, (adjacent) street usage, size and scale of the proposed, building, and mixed use(s) of the surrounding area.

Because of concerns raised, it was strongly suggested to the applicant that the project be considered for redesign utilizing a combination of both plans which had been submitted. Some Commissioners indicated that while there are good mixed-use possibilities for the property, the current plan has an overly-large proposed building on a small site with a myriad of unresolved issues to be considered for development at this time.

HALE-SHEA proposed on a 51.2 acre parcel located on the south side of Tilton Ave., east of Hale **HOMES** and west of Monterey Rd. The amendment request would extend 30 development allotment for a one year period.

PM Rowe presented the staff report, noting that a prepared resolution with exhibits B and B1 had been provided to the Commissioners. Exhibit B 1 has an updated schedule which reflects building permit submittal dates and changes of 07-01-01 to 10-01-01 and commence of construction to 09-09-02. PM Rowe also explained that in year 1, 30 allocations are to be accounted for while in year 2, there would be 7 allocations under consideration.

Chair Kennett opened the public hearing.

Eric Keller, 2580 Shea Center Dr., Livermore, addressed the Commissioners on behalf of the applicant, saying that there is concurrence with the staff report and agreeing with the amended report(s) of Exhibits B and B1. In response to questions from the Commissioners, Mr. Keller said that things were moving right along with the permitting process and expected to have the permits within one week.

The public hearing was closed.

COMMISSIONERS LYLE/MUELLER MOTIONED ADOPTION OF RESOLUTION NO.01-33,INCLUDING EXHIBITS B AND B1. THE MOTIONED PASSED BY UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT WITH McMAHON ABSENT.

Chair Kennett stepped down from the dias.

OLD BUSINESS: Item two, previously delayed, was addressed at this time.

2. ZA-01-03: CITY A request to amend Title 18 of the Morgan Hill Municipal Code, the Planning and Land **OF M.H.-ZONING** Use Codes, to add new zoning definitions and text regarding the storage and parking of **TEXT AMEND-** vehicles in residential yards and zoning districts.
MENT

Vice-Chair Ridner assumed the gavel for the discussion and conclusion of the item.

CA Leichter presented the staff report, noting that the City staff had addressed each of the issues raised by residents at a prior meeting and in correspondence received. She responded to a request by the Vice-Chair to acknowledge the zoning text, the work of the enforcement officer, and reporting of violations. CA Leichter further replied to concerns, questions, and issues raised by Commissioners regarding definitions and enforcement. As she continued, various topics raised were discussed and clarified: trash, natural landscaping, heights of recreational vehicles, trash receptacle, boats, etc. CA Leichter indicated she would, responding to the wishes of the Commissioners, provide definitions of parking and storage; and include language clarifying the normal placement of trash receptacles overnight for orderly removal. She further stated that, as the result of the resident's concerns, two changes had been made in the proposed amendment for City zoning codes.

Agreeing that the word *vehicles* in Section 3 will be changed to devices, while ensuring the inclusion of language and definitions discussed with CA Leichter, **COMMISSIONERS SULLIVAN/MUELLER MOVED ADOPTION OF RESOLUTION NO. 01-03. THE MOTION PASSED BY UNANIMOUS VOTE OF THE COMMISSIONERS PRESENT, WITH KENNETT AND McMAHON ABSENT.**

Chair Kennett resumed presiding of the meeting.

FURTHER NEW BUSINESS:

**5. ZAA- 99-14/
UP-99-07: CITY
OF M.H.-
COMMUNITY
CENTER AND
PLAYHOUSE**

Proposal to develop an approximately 21,586 square foot community center, 10,500 sq. ft. educational center for Gavilan College and a 7,000 sq. ft. performing arts theater at the northeast corner of East Dunne Avenue and Monterey Road. The project consists of the following applications: 1.) Rezone the site at the northeast corner of Diana Avenue and Monterey Road and the site at the southeast corner of East Fifth Street and Monterey Road from Central Commercial-Residential (CC-R) to Public Facilities to accommodate the proposed performing arts theater and 2.) approval of a conditional use permit for the proposed community center, performing arts theater and public educational facilities to be located on the community center site.

PM Rowe presented the staff report, noting this a request of the City for approval of a conditional use permit to allow for the establishment of a community and cultural center, including a community center building, a satellite campus of Gavilan College and a community playhouse. The project, he said, would also include landscaped grounds which would include a rose garden, interactive water element, and an amphitheater and band shell.

Observing the need for additional advertising for a variance request from the established parking standards, PM Rowe said the matter should be continued to a future meeting date.

Chair Kennett opened the public hearing.

There being no one present to address the Commissioners, the public hearing was closed.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO CONTINUE THE MATTER TO JUNE 12, 2001. THE MOTION CARRIED BY THE UNANIMOUS AFFIRMATIVE VOTE OF THE COMMISSIONERS PRESENT, WITH McMAHON ABSENT.

**6. ZA-01-04/
ANX-01-02:
MONTEREY-
CHRISTENSEN**

A request to annex 9.81 acres on the east side of Monterey Rd. between Tennant Ave. and Watsonville Rd. and re-zone the parcel from County zoning designation of A-20 to City zoning designation ML Light Industrial District.

PM Rowe presented the report with the conclusion that the proposed annexation of a single

parcel does not represent a logical adjust of the City's boundary since it will create an even smaller unincorporated island within the City. The size and shape of the individual parcel is excessively long, which would create an undesirable development and subdivision situation if left to develop as a single parcel, he said. PM Rowe said it is strongly suggested that the Commission ask the applicant to revise the exhibits to include all three parcels and indicate a prezone designation of PUD. This action, PM Rowe indicated, by the applicant could be reagendized as a City initiated annexation and prezone request.

Chair Kennett opened the public hearing.

There being no one present to address the Commissioners, the public hearing was closed.

COMMISSIONERS MUELLER/SULLIVAN MOTIONED TO CONTINUE THE MATTER TO A FUTURE MEETING. THE MOTION CARRIED BY THE UNANIMOUS AFFIRMATIVE VOTE OF THE COMMISSIONERS PRESENT, WITH McMAHON ABSENT.

7. ZA-00-14: OAK PARK-GENTILE A request for approval to amend an existing RPD to allow for a second story addition. The subject site is located at 955 Oak Park Dr. in the Oak Park development, south of the W. Dunne/DeWitt Ave. intersection.

PM Rowe presented the staff report, explaining the location and components of the subdivision. He described the topography, set-backs, and sizes of the subject and adjacent properties and buildings. PM Rowe said one of the primary concerns which had been brought to the attention of staff was a privacy issue of nearby neighbors. He stated that the proposed additions have been reviewed and approved by the Homeowners Association review board.

Chair Kennett asked for information regarding other two-story houses in the neighborhood. PM Rowe responded that there are several, including the subject property; this would be an expansion of the current second story of the house.

Chair Kennett opened the public hearing.

Marby Lee, 960 Oak Park Drive, requested clarification on the time frame/lengths for such a project. She also asked staff to address restrictions, e.g., hours of work, etc. The constraints of City Ordinances were explained to the speaker.

Patricia Pekrol, 965 Oak Park Dr., identified herself as an adjacent homeowner and neighbor. She expressed concerns that this would become a "monster house on a small lot". She further spoke on the "crowded effect" and how the proposal would cause the house to become disproportional to others in the neighborhood. Ms. Pekrol indicated fears that the rear of the expansion would cause shading to her residence, noting she relies on the sun to heat and warm the house, which results in lowering of electricity usage. Most of all, she said, the expansion would lessen her privacy, as the proposal includes a terrace(balcony) with French doors which would provide a direct view into her yard. Mrs. Pekrol urged the Commissioners to have the applicant look at other options.

Alfonso Gentile, 955 Oak Park Dr., the applicant, indicated to Commissioners that he needs the space and that is why he has made the proposal. He said he expects to have the project completed within 2 - 3 months.

There being no others present who wished to speak to the matter, the public hearing was closed.

Commissioners engaged in discussion with support for the general concept of the expansion, but indications of concern regarding the size and scope of the rear expansion.

COMMISSIONERS SULLIVAN/LYLE MOTIONED TO ADOPT RESOLUTION NO. 01-36 EXCEPT PROVIDE FOR THE ELIMINATION OF THE REAR PORTION OF THE EXPANSION. THE MOTION WAS APPROVED WITH THE FOLLOWING VOTE: AYES: KENNETT, LYLE, PINION, SULLIVAN; NOES: MUELLER, RIDNER; ABSENT: McMAHON.

**8. AP-01-01,
MISSION VIEW/
COCHRANE-
DIVIDEND/
PEET- LUPINE**

The applicant's appeal of the Planning Commission's decision regarding the award of building allocations for the 2001 Residential Development Control System. PM Rowe gave the staff report and provided the chronology of the application. He stressed the applicant (Dick Oliver) was not appealing the previous decision of the Commission, but that the matter involves policy matters relating to the implementation of Measure P and past changes in the evaluation criteria that have affected the scoring of projects outside the "central core area" of the City. PM Rowe informed that the appeal has three components: 1) the failure of Measure P competition, scoring and allocation of building allocation in this year's competition to take into account the applicant's Judgement Rights of the Cochrane Road Assessment District; 2) the relative "greater" consideration of the Policy to give 50% of the requested units to the top scoring project of the competition as compared to the "lesser" consideration given to the Policy of completing ongoing projects; 3) a request for additional allocations for the Coyote Estates and Mission Ranch projects [PM Rowe indicated the 3rd component deals with the discretion to give set-asides]. PM Rowe said that because Mission Ranch and Coyote Estates are current developments, it may be possible for both projects to absorb current fiscal year allotments set to expire on June 30, 2001.

Chair Kennett opened the public hearing.

Dick Oliver, 275 Saratoga Ave., #105, provided copies of the breakdown figures in the appeal. He spoke of "tweaking" Measure P and the ramifications of that action. Mr. Oliver requested additional units be allocated his projects, stating that there had been an imbalance created in the economic factors. He indicated that the Council Members agreed with his assessment of the situation and that the additional units will help out a lot.

Scott Schilling, 16060 Caputo Dr., #160, addressed the Commissioners with what he termed two issues: 1) Regarding the Westside allocations set to expire, could those allocations be transferred to the Eastside? The allocations could be used in the project he is working on, the streets are in and other amenities are ready to go. 2) Fairness; if the Commissioners are suddenly giving allocations as a result of the appeal, he said, it would be fairer to give allocations

to all who had not received requested allocations rather than just provide additional allocations to one or two projects.

Commissioner Lyle asked Mr. Schilling if he was referring to the Central Park project, which could use allocations. Mr. Schilling replied, "Yes, he was."

There being no others present who wished to speak to the matter, the public hearing was closed.

Commissioners listened while Commissioner Mueller explained his concerns on the number of allocations which will be available during the remaining course of Measure P, the projected increase in population, and the problems associated with the figures projected by the Department of Finance.

Commissioners discussed the issues involved in awarding the allocations and the various categories. Specific attention was called to the allocations due to expire and how best to distribute them.

Rocke Garcia spoke from the audience requesting that west-side allocations be left on the westside by giving those expiring allocations to existing west-side projects.

COMMISSIONERS LYLE/SULLIVAN MOTIONED TO ADOPT RESOLUTION NO. 01-32, WITH THE INCLUSION OF PROVIDING THREE ALLOCATIONS TO THE CENTRAL PARK DEVELOPMENT. THE MOTION PASSED BY THE FOLLOWING VOTE: AYES: KENNETT, LYLE, PINION, RIDNER, SULLIVAN; NOES: MUELLER; ABSENT: McMAHON.

OTHER BUSINESS:

**9. ZA-01-08:
CITY OF M.H.-
SUBCOMMITTEE
RECOMMENDA-
TIONS FOR
CHANGES TO
RDCS
STANDARDS
AND CRITERIA**

A request to amend Chapter 18.78 of the Morgan Hill Municipal Code, amending the evaluation standards and criteria for proposed residential developments as set forth in Sections 18.78.210 through 18.78.330 of the Municipal Code.

PM Rowe provided the staff report, indicating much of the matter had been discussed at the Commissioner's workshop of the evening (6:00 p.m.) when the recommendations of the Subcommittee were discussed. Commissioner Lyle assisted in the presentation by providing an overview of the Subcommittee recommendations.

Commissioner Pinion was excused at 10:07 p.m.

Chair Kennett opened the public hearing.

Dick Oliver, 275 Saratoga Ave., #105, thanked the Commissioners for allowing him to be part of the Subcommittee. He also noted his objection to the orderly and contiguous category, saying it creates new projects at the expense of existing projects.

Rocke Garcia, 100 East Third Street, stressed that he wants balance in the Measure P process

and engaged in discussion regarding the Orderly and Contiguous Category.

Res
pon
ding
t o
com
ment
s ,
P M
Row
e
stres
sed
the
need
t o
enco
urag
e
build
out
from
the
City
core
t o
outly
ing
area
s .
Mr.
Gar
cia
said
a
defic
ienc
y of
poin
ts is
very
diffic
ult to
mak
e up,
sugg
estin
g

that
there
may
be
too
many
points
in
one
category.

Commissioner Lyle said he perceived the problem to be with the set-asides, rather than the actual point count.

The public hearing was closed.

Commissioner Lyle stressed that it is important not to make changes until the housing element of the new General Plan is completed.

Commissioner Sullivan questioned some of the specifics of the scoring for the Natural and Environmental Category. Other Commissioners discussed the category, noting the inclusion of language which determines man-made channels and landscaping into the category.

COMMISSIONERS RIDNER/SULLIVAN MOTIONED ADOPTION OF RESOLUTION NO. 01-31, WHICH INCLUDES THE RECOMMENDATIONS OF THE SUBCOMMITTEE. THE MOTION PASSED WITH THE UNANIMOUS VOTE OF ALL COMMISSIONERS PRESENT, WITH McMAHON AND PINION ABSENT.

**10. RDCS
QUARTERLY
REPORT**

PM Rowe presented the staff report, giving the specifics of those projects which are behind schedule and/or delinquent.

COMMISSIONERS MUELLER/RIDNER MOVED TO APPROVE AND FORWARD THE REPORT TO THE CITY COUNCIL. THE MOTION PASSED UNANIMOUSLY BY THE COMMISSIONERS PRESENT, WITH McMAHON AND PINION ABSENT.

OTHER BUSINESS: Fred Gauacinao, 795 Fisher Ave., asked to have a matter regarding the Draft General Plan addressed. Commissioners reminded that the discussion considering the components of the Draft General Plan would be concluded May 29. Thanking the Commissioners, Mr. Gauacinao presented a letter for perusal.

ANNOUNCEMENTS:

PM Rowe informed that the First Community Housing project request, including the extension

PLANNING COMMISSION MINUTES

MAY 22, 2001

PAGE -12-

of time, had been approved. He also announced that the Oak Glen Plaza appeal to the City Council had resulted in changing the plan, which caused the matter to be returned to the Commission and will be heard at a date certain. .

ADJOURNMENT: There being no further business, Chair Kennett adjourned the meeting at 10:30 p.m.

MINUTES RECORDED AND PREPARED BY:

JUDI H. JOHNSON

Minutes Clerk

C:\WINDOWS\TEMP\PC052201_Min.wpd